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15 *Attorneys for Defendant Elon Musk*

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14

15 VERNON UNSWORTH,

16 Plaintiff,

17 vs.

18 ELON MUSK,

19 Defendant.
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Case No. 2:18-cv-08048

Judge: Hon. Stephen V. Wilson

**DECLARATION OF MICHAEL T.
LIFRAK IN SUPPORT OF
DEFENDANT'S *EX PARTE*
APPLICATION TO SEAL**

Complaint Filed: September 17, 2018

Trial Date: December 2, 2019

Hearing Date: October 28, 2019

Time: 1:30 p.m.

Courtroom: 10A

1 **I, Michael T. Lifrak, declare as follows:**

2 1. I am a member of the bar of the State of California and a partner at
3 Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for Defendant Elon Musk. I
4 make this declaration of personal, firsthand knowledge, and if called and sworn as a
5 witness, I could and would testify competently thereto.

6 2. I submit this Declaration in support of Defendant Elon Musk 's *ex parte*
7 Application for an Order Permanently Sealing the Declaration of Jared Birchall in
8 Support of Defendant's Motion for Summary Judgment or in the alternative Partial
9 Summary Judgment (DKT #61). I have personal knowledge of the matters described
10 below and I am competent to testify thereto.

11 3. On Monday, September 16, 2019, I directed the filing of Defendant's
12 Motion for Summary Judgment, and the supporting declarations thereto. One such
13 declaration was the Declaration of Jared Birchall in Support of Defendant's Motion
14 for Summary Judgment or in the alternative Partial Summary Judgment (DKT #61)
15 (the "Birchall Decl.").

16 4. At the time of filing, myself and counsel for Mr. Musk were unaware
17 that two Exhibits to the Birchall Decl. were incompletely redacted, setting forth
18 personal information regarding Plaintiff. This error was unintentional.

19 5. On the evening of September 16, 2019, Plaintiff's counsel wrote to me,
20 and counsel for Defendant, that Plaintiff's personal information, including his date of
21 birth, address, and passport number, were included unredacted, in Exhibits to the
22 Birchall Decl.

23 6. I responded to Plaintiff's counsel that same evening that Defendant's
24 counsel would take immediate steps to remediate the issue to protect Plaintiff's
25 personal information.

26 7. On the evening of September 16, 2019, I directed the filing of an
27 Administrative Motion to Remove the Document from ECF (DKT #66), and a
28 redacted version of the Birchall Declaration (at DKT #65).

